THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 23610 of 2005

Dated: 01-12-2005

Between:

M.Pamuleti,

..... PETITIONER

AND

The District Collector, Kadapa District,

Kadapa and four others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 23610 of 2005

O R D E R:

Heard the learned counsel for both the parties and perused the material on record.

The petitioner was elected as a Chair Person of Vana Samrakshana Samithi of Gangayapalle village in the elections held on 20-01-2002. The term of the Managing Committee was three years and therefore, fresh elections were sought to be conducted in July, 2005. The fourth respondent-Forest Section Officer, who is the competent authority, directed the petitioner to convene the General Body Meeting on 18-07-2005 for conducting the election. However, it appears that the election could not be conducted on that day because of certain unforeseen incidents leading to law and order problem. The petitioner states that subsequently no election was conducted, but strangely the second

respondent issued the impugned proceedings dated 07-10-2005 declaring the fifth respondent as the Chair person of the Vana Samrakshana Samithi in the elections conducted on 19-08-2005. The petitioner alleges that no meeting was conducted on 19-08-2005 and no election took place, and therefore, the action of the fifth respondent is arbitrary and illegal. Hence, this writ petition seeking to declare the proceedings of the second respondent dated 07-10-2005, whereunder it was declared that the fifth respondent herein was elected as President and Smt. Yallamma was elected as Vice President and were approved as elected executive body of the Vana Samrakshana Samithi, as arbitrary and illegal.

On behalf of the respondents 1 to 4, a detailed counter affidavit has been filed in which it is stated that though it is a fact that the election could not be conducted on 18-07-2005 as originally proposed, subsequently the fourth respondent issued a publication on 11-08-2005 by beat of Tom-Tom in village that election for Vana Samrakshana Samithi will be held on 18-07-2005 and also circulated notice on the same day. The petitioner was also informed about the election proposed to be conducted on
19-08-2005, however, since the petitioner refused to acknowledge, notice was affixed on the School Notice Board and the Panchayat Secretary certified the same. Whereas the notice was published on 11-08-2005, the election was conducted on 19-08-2005, with a clear gap of 7 days between the date of publication and the date of election. The election was conducted in the presence of local Sarpanch, Panchayat Secretary of the Eguva Ramapuram, Head Master of M.P.Elementary School (D.P.E.P).Gangaypalle. The petitioner and his group intentionally did not attend the General Body Meeting as well as the election proceedings in which the fifth respondent was elected as Chair Person. Accordingly, the second respondent issued the impugned proceedings dated
07-10-2005.

To substantiate the said plea, the learned Government Pleader placed all the relevant documents before this Court including the statements of the Panchayat Secretary and the Forest Section Officer, who was the Election Officer.

The averments in the counter affidavit have not been rebutted by the petitioner and no reply affidavit has been filed on his behalf and no other material has

been placed before this Court to substantiate his plea that no election was held on 19-08-2005.

In the circumstances, I do not find any merit in the writ petition. That apart, the Vana Samrakshana Samithi was constituted under a scheme introduced by the State Government for Collective Forest Management in order to develop the forest and its products and to safeguard the interests of the resident villagers of the forest. The election of the Managing Committee by the Vana Samrakshana Samithi was conducted in accordance with the guidelines under the scheme, which do no have any statutory force. Hence, even assuming that there is any irregularity, the petitioner cannot maintain a writ petition to enforce such guidelines, which do not have any statutory force.

Viewed from any angle the writ petition is without any substance and the writ petition is accordingly dismissed. No costs.

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G.ROHINI,J

01-12-2005

klp